

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.48898 of 2024

Arising Out of PS. Case No.-264 Year-2023 Thana- DULHIN BAZAR District- Patna

LAL BABU KUMAR SON OF LATE SUKH DEO PASWAN VILLAGE-
SADWAH, P.S.-DULHIN BAZAR, DISTT.- PATNA

... .. Petitioner/s

Versus

1. The State of Bihar
2. AJAY YADAV SON OF LATE CHANDESWAR YADAV R/O- VILLAGE-
DHARMCHAK, P.S.- DULHINBAZAR, DISTT.- PATNA

... .. Opposite Party/s

Appearance :

For the Petitioner/s : Mr.Jai Shankar Pathak, Advocate
For the Opposite Party/s : Mr.Raj Ballabh Singh, APP

CORAM: HONOURABLE MR. JUSTICE RAJIV ROY
ORAL ORDER

5 12-11-2024 Heard learned counsel for the petitioner, the State and
the informant.

2. The petitioner is in judicial custody in connection with Dulhin Bazar P.S. Case No. 264 of 2023 for the offence punishable under Sections 366(A), 363/34 and later section 376 of the I.P.C. was added and section 4/6 of the POCSO Act lodged on 04.08.2023 by the informant, Ajay Yadav.

3. As per the prosecution story, the informant alleged that on 02.08.2023, his daughter went to the coaching center but failed to return and later, it came to notice that this petitioner alongwith other accused persons were behind the abduction. Accordingly, the FIR.

4. The victim girl was subsequently brought to the court and she made statement under section 164 of the Cr.P.C.,



according to which, she wanted to marry the petitioner but was stopped by the parents and as such on her own, she went to Delhi alongwith the petitioner and got married. Upon query, she wanted to go with the petitioner.

5. Learned counsel for the petitioner submits that they are/were in relationship which was not accepted by the family members of the informant and this led to FIR and his arrest. He is in custody since 30.12.2023 (para-4 of the petition) and do not have criminal antecedent.

6. Learned counsel for the informant on the other hand submits that the girl is minor and as such her statement has no meaning.

7. Having gone through the facts of the case as also submissions of the parties, the girl has made statement that she went on her own with the petitioner to Delhi and got married. The allegation is there, FIR has been lodged, according to the learned counsel for the informant, the trial has started and the petitioner will face the same, so far as the bail part is concerned, he do not have criminal antecedent and has remained in custody since 30.12.2023, in this background, this Court is inclined to extend him the privilege of bail with conditions.

8. Let the petitioner be released on bail on furnishing



bail bond of Rs. 10,000/- (Ten thousand) with two sureties of like amount each to the satisfaction of learned Additional Sessions Judge-II cum Special Judge, POCSO, Patna, in connection with Dulhin Bazar P.S. Case No. 264 of 2023 subject to the following conditions:

(i) one of the bailor should be the family member/relative of the petitioner who shall provide official document to show his bona fide;

(ii) the petitioner shall appear on each and every date before the Trial Court and failure to do so for two consecutive dates without plausible reason will entail cancellation of his bail bond by the Trial Court itself;

(iii) the petitioner shall in no way try to induce or promise or threat the witnesses or tamper with the evidences, failing which the State shall be at liberty to take steps for cancellation of the bail bonds;

(iv) the petitioner shall desist from committing any criminal offence again, failing which the State shall be at liberty to take steps for cancellation of his bail bonds.

(Rajiv Roy, J)

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